UNITED STATES DISTRICT C SOUTHERN DISTRICT OF NE	W YORK		
JOHNNY MUNIZ,		: : :	
Pla	aintiff,	: : :	20 Civ. 9223 (JPC)
-V-		:	_
		:	<u>ORDER</u>
THE CITY OF NEW YORK et al.,		: :	
De	efendants.	:	
		X	

JOHN P. CRONAN, United States District Judge:

On October 18, 2022, Defendants the City of New York and Deputy Inspector John Mastronardi moved for summary judgment on all claims brought by Plaintiff. Dkts. 55-58. Plaintiff's Complaint brought nine Causes of Action. Dkt. 1 ¶¶ 37-86. The First Cause of Action alleges a violation of the Age Discrimination in Employment Act of 1967 ("ADEA") and the Older Workers Benefit Protection Act and is titled "Age Discrimination – Disparate Treatment – Federal Claims against the City of New York," but the allegations for this cause of action refer to "Defendants" in the plural. Further, the titles of the Fourth and Seventh Causes of Action, which allege a hostile work environment and discrimination under federal law, do not specify against which Defendants the claims are brought, although the allegations for these causes of action also refer to "Defendants" in the plural. *Id.* Finally, the Second, Fifth, and Eighth Causes of Action allege violations of the New York State Human Rights Law ("NYSHRL") against both Defendants.

By August 22, 2023, Plaintiff shall file a letter clarifying whether he intended to bring any of these Causes of Action against both the City of New York and John Mastronardi, and if so, which Causes of Action. If Plaintiff did so intend, by August 29, 2023, the parties shall each

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provide their views as to whether such claims may be brought against an individual defendant, in letters no more than five pages. *See Guerra v. Jones*, 421 F. App'x 15, 17 (2d Cir. 2011) (Title VII and ADEA); *Wrighten v. Glowski*, 232 F.3d 119, 120 (2d Cir. 2000) (Title VII); *Fellah v. City Univ. of N.Y.*, No. 20 Civ. 6423 (JPC), 2022 WL 4619902, at *7 & n.8 (S.D.N.Y. Sept. 30, 2022) (NYSHRL).

SO ORDERED.

Dated: August 15, 2023

New York, New York

JOHN P. CRONAN

United States District Judge